

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
OCTOBER 2022 000820 E-Filing Number: 2210016535	
PLAINTIFF'S NAME GERALD BARROW	DEFENDANT'S NAME TYSON FOOD INC.
PLAINTIFF'S ADDRESS 618 W. BRISTOL STREET PHILADELPHIA PA 19140	DEFENDANT'S ADDRESS 2200 W. DON TYSON PARKWAY SPRINGDALE AR 72762
PLAINTIFF'S NAME	DEFENDANT'S NAME DAVID ADCOX
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 2200 W. DON TYSON PARKWAY SPRINGDALE AR 72762
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2 COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PRO PROTHY OCT 10 2022 A. STAMATO </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>GERALD BARROW</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY BRAD S. RUSH	ADDRESS 123 SOUTH BROAD STREET SUITE 2250 PHILADELPHIA PA 19109
PHONE NUMBER (215) 735-5476	FAX NUMBER (215) 735-9057
SUPREME COURT IDENTIFICATION NO. 72896	E-MAIL ADDRESS brad@kovlerrush.com
SIGNATURE OF FILING ATTORNEY OR PARTY BRAD RUSH	DATE SUBMITTED Monday, October 10, 2022, 03:48 pm

THIS IS A NON-JURY MATTER. *Filed and Attested by the*
ASSESSMENT OF DAMAGES IS REQUIRED. *Office of Judicial Records*

10 OCT 2022 03:48 pm

A. STAMATO

KOVLER & RUSH, P.C.
BY: BRAD S. RUSH, ESQUIRE
IDENTIFICATION NO.: 72896
123 South Broad Street, Suite 2250
Philadelphia, Pennsylvania 19109
(215)735-5476

Attorney for Plaintiff

GERALD BARROW
618 W. Bristol Street
Philadelphia, PA 19140

COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY
CIVIL ACTION – LAW

v.

TYSON FOOD INC.
2200 W. Don Tyson Parkway
Springdale, AR 72762
and
DAVID ADCOX
2200 W. Don Tyson Parkway
Springdale, AR 72762

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.
You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
1101 Market Street
Philadelphia, PA 19107
215-238-6333
TTY 215-451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.
Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados De Filadelfia
Servicio De Referencia E
Informacion Legal
1101 Market Street
Philadelphia, PA 19107
215-238-6333
TTY 215-451-6197

**THIS IS A NON-JURY MATTER
ASSESSMENT OF DAMAGES IS REQUIRED**

KOVLER & RUSH, P.C.
BY: BRAD S. RUSH, ESQUIRE
IDENTIFICATION NO.: 72896
123 South Broad Street, Suite 2250
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(215)735-5476

Attorney for Plaintiff

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**COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY
CIVIL ACTION – LAW**

V.

TYSON FOOD INC.
2200 W. Don Tyson Parkway
Springdale, AR 72762
and

DAVID ADCOX
2200 W. Don Tyson Parkway
Springdale, AR 72762

CIVIL ACTION COMPLAINT
2V- MOTOR VEHICLE ACCIDENT

COUNT I

GERALD BARROW VS. TYSON FOOD INC. AND DAVID ADCOX
(Bodily Injury)

1. Plaintiff, Gerald Barrow, is an adult individual residing at the above-captioned address.
2. Defendant, Tyson Food Inc., is a corporation and/or other business entity which regularly conducts business in the City of Philadelphia and Commonwealth of Pennsylvania and has a principal place of business at the above captioned address.
3. Defendant, David Adcox, is an adult individual who at all times relevant hereto was an employee and servant of defendant, Tyson Food Inc.
4. On or about August 16, 2021, at approximately 6:30 a.m., Plaintiff, Gerald Barrow, was operating a 2005 Yamaha motor cycle on 1900 N. Broad Street, Philadelphia, Pennsylvania.

12. The aforesaid accident and resulting injuries to plaintiff was caused as a direct and proximate result of the negligence of defendants, jointly and severally, which consisted of the following:

- a. striking plaintiff's vehicle while executing an illegal UTurn.;
- b. failing to keep a proper distance from plaintiff's vehicle;
- c. failing to yield to plaintiff's vehicle;
- d. failing to give proper and sufficient warning of the approach of said vehicle;
- e. failing to have his/her/their vehicle under proper and adequate control;
- f. failing to keep a proper lookout for other motor vehicles on the highway, including plaintiff's vehicle;
- g. failing to operate his/her/their motor vehicle according to the applicable ordinances and the statutes of the Commonwealth of Pennsylvania;
- h. operating his/her/their motor vehicle at an excessive rate of speed under the circumstances;
- i. failing to respect the rights, position and safety of the plaintiff;
- j. permitted operation of their motor vehicle by an individual who was not properly and adequately trained in the operation of same;
- k. failed to properly train or to ensure proper training of the operation of their vehicle or to warn of the lack of proper training of operation of their vehicle;
- l. failing to maintain his/her/their vehicle and its component parts in excellent condition and proper working order;
- m. any and all acts of negligence which may be discovered pursuant to the Pennsylvania Rules of Civil Procedures.

13. The negligent acts and/or omissions of the defendants were the cause or a substantial factor in causing the injuries and damages which plaintiff sustained.

WHEREFORE, Plaintiff, Gerald Barrow, demands judgment against Defendants, Tyson Food Inc. and David Adcox, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

KOVLER & RUSH, P.C.

Brad S. Rush

Date: 10/10/22

BY:

BRAD S. RUSH

Attorney for Plaintiff

VERIFICATION

The undersigned, being duly sworn according to law, deposes and says that he is counsel for the party or parties indicated on the preceding pages as being represented by said counsel, that he has examined the pleading and the entire investigative file made on behalf of said party or parties, that he is taking this verification to assure compliance with the pertinent rules pertaining to timely filing of pleading and other documents described by said rules; and the facts set forth in the foregoing documents are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4940 relating to unsworn falsification to authorities.

KOVLER & RUSH, P.C.

Brad S. Rush

Date: 10/10/22

BY: _____

BRAD S. RUSH
Attorney for Plaintiff

EXHIBIT B

**WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY LLP**

By: James A. Wescoe, Esquire

ID# 82923

By: Marco Di Prato, Esquire

ID# 321744

2000 Market Street, Suite 1300

Philadelphia, PA 19103

(215) 972-7900

Attorney for defendants,

David Adcox and Tyson Foods, Inc.

GERALD BARROW	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
v.	:	
	:	Case No. 221000820
TYSON FOOD INC. and DAVID	:	
ADCOX	:	

Defendants, David Adcox and Tyson Foods, Inc. (incorrectly identified as Tyson Food Inc.) (“defendants”), by their attorneys, Weber Gallagher Simpson Stapleton Fires & Newby, LLP, pursuant to 28 U.S.C. § 1446(d), give notice to the Court of Common Pleas of Philadelphia County and to plaintiff, Gerald Barrow that defendants have filed a Notice of Removal to remove this action to the United States District Court for the Eastern District of Pennsylvania, thereby effecting removal of this action, and pursuant to 28 U.S.C. § 1446(d), this Court shall proceed no further. A copy of the Notice of Removal, including exhibits, filed on November 3, 2022, is attached to this Notice as Exhibit 1.

Respectfully submitted,

**WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP**

By: /s/ James A. Wescoe

James A. Wescoe, Esquire

Marco Di Prato, Esquire

Attorney for defendants,

David Adcox and Tyson Foods, Inc.

Date: November 3, 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2022 this Notice of Filing Notice of Removal was served via electronic filing upon the following, addressed as follows:

Brad Rush, Esquire
Law Offices of Kovler & Rush, P.C.
123 South Broad Street, Suite 2250
Philadelphia, Pennsylvania 19109
Counsel for Plaintiff

By: /s/ James A. Wescoe
James A. Wescoe, Esquire
Marco Di Prato, Esquire